IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 3060 OF 2007

Bharat M. Suchak .... Petitioner

versus

The Muncipal Commissioner
Navi Mumbai Municipal Corpn. & ors.... Respondent.

Shri A.S.Khandeparkar with Ms. U.A.Marothe for the petitioner

CORAM; A.P. DESHPANDE, J.
DATED; 20TH APRIL, 2007

P.C.;

1. The present petititioner instituted a suit seeking declaration that the municipal corporation cannot levy cess and property tax on the plaintiff's industrial unit situated in MIDC industrial area. As the respondents were trying to recover the cess and tax, an application for temporary injunction was filed seeking injunction restraining the corporation from levy the cess and tax. That application came to be rejected by the trial court and aggrieved thereby a regular civil appeal was preferred by the petitioner before the District Judge. The District Judge, concurred with the order passed by the court below, and has rejected the appeal, and aggrieved thereby this writ petition has been filed.

2. Perused the orders passed by the courts below. Corporation cannot be restrained from recovering the tax and cess in the manner claimed by the petitioner. There is no illegality committed by the District Judge and the court below in rejecting the application, No interference whatsoever is called for, Writ ptiiton is thus summarily dismissed. However, having regard to the nature of controversy, in my view ends of justice would be met by expediting the trial of the suit. I hope and trust that the trial court shall proceed with the suit as expeditiously as possible.

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